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SENATE MEMORIAL 47

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

INTRODUCED BY

Cisco McSorley

A MEMORIAL

REQUESTING THE NEW MEXICO SENTENCING COMMISSION AND THE
LEGISLATIVE FINANCE COMMITTEE TO COLLABORATE ON DEVELOPING A
METHOD FOR MEASURING THE FISCAL IMPACT OF LEGISLATION THAT
MODIFIES CRIMINAL PENALTIES.

WHEREAS, appropriations to the corrections department
approached three hundred million dollars (\$300,000,000) in
fiscal year 2008, representing an increase of more than eleven
percent from the previous year; and

WHEREAS, since 1980, the number of adult prisoners in New
Mexico has increased by more than four hundred forty percent,
and the corrections department projects an increase of another
thirty-seven percent by the year 2016, requiring bed space for
approximately nine thousand three hundred sixty-five inmates;
and

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1 WHEREAS, the number of adult prisons has increased since
2 1980 from one facility to twelve facilities, with a thirteenth
3 facility under construction to house six hundred prisoners this
4 summer; and

5 WHEREAS, despite additional facilities in Clayton,
6 Springer and Albuquerque, the corrections department may face
7 overcrowding sometime between 2009 and 2011; and

8 WHEREAS, the case loads of probation and parole officers
9 continue to increase, compromising public safety and offender
10 rehabilitation and reentry; and

11 WHEREAS, in 2007, a law was enacted requiring real-time
12 global positioning monitoring of all sex offenders on parole,
13 which will cost millions of dollars in technology and
14 additional personnel, and, although some costs were provided in
15 a narrative, no fiscal impact was estimated for that
16 legislation; and

17 WHEREAS, fiscal impact reports generated during a
18 legislative session do not account for the fiscal impact of
19 bills that increase or decrease criminal penalties, create new
20 crimes, impose or remove mandatory minimum terms of
21 imprisonment, require specific technology for monitoring
22 probationers or parolees or modify the law in such a way that
23 the time served in prison or on probation or parole increases
24 or decreases; and

25 WHEREAS, there are computer models, research and data

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1 available that can assist in forecasting the fiscal impact of
2 such legislation;

3 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
4 OF NEW MEXICO that the legislative finance committee and the
5 New Mexico sentencing commission be requested to collaborate on
6 establishing a method, if feasible, to measure the fiscal
7 impact of legislation that increases or decreases criminal
8 penalties, creates new crimes, imposes or removes mandatory
9 minimum terms of imprisonment, requires specific technology for
10 monitoring probationers or parolees or modifies the law in such
11 a way that the time served in prison or on probation or parole
12 increases or decreases; and

13 BE IT FURTHER RESOLVED that the legislative finance
14 committee and the New Mexico sentencing commission determine
15 what computer models, technology, research, data and personnel
16 are necessary to enable the legislative finance committee to
17 generate fiscal impact reports in a timely manner on
18 legislation that affects criminal penalties; and

19 BE IT FURTHER RESOLVED that the legislative finance
20 committee and the New Mexico sentencing commission report the
21 results of their study to the appropriate interim legislative
22 committee during the 2008 interim; and

23 BE IT FURTHER RESOLVED that copies of this memorial be
24 transmitted to the chair of the legislative finance committee,
25 the chair of the New Mexico sentencing commission, the director

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1 of the legislative finance committee and the executive director
2 of the New Mexico sentencing commission.

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